



Yonatan Even
yeven@cravath.com
T+1-212-474-1958
New York

March 10, 2025

Re: *Epic Games, Inc. v. Apple Inc.*, No. 4:20-cv-5640 (N.D. Cal.)

Your Honor,

I write on behalf of Epic Games, Inc. (“Epic”). Over the past few days, Apple Inc. (“Apple”) filed a number of unsolicited submissions with the Court. So as not to burden the Court unnecessarily, Epic seeks the Court’s guidance about whether and how the Court wishes for Epic to respond. Specifically, Epic requests the Court’s guidance regarding the following:

- Apple’s Proffer of Evidence Relating to Certain Attorney-Client Privilege Designations, filed March 6, 2025 (Dkt. 1316): Epic requests the opportunity to respond to Apple’s proffer regarding certain admitted exhibits used at the evidentiary hearing in order to provide the Court with full context on this issue and ensure the record reflects both Parties’ positions. Epic is prepared to do so by March 17, 2025, subject to the Court’s permission.
- Apple’s Post-Hearing Brief, filed March 7, 2025 (Dkt. 1324): During the February 26, 2025, hearing, this Court asked the parties to submit “the logic flow” “of [Apple’s] decision-making” regarding its response to this Court’s Injunction “with citations to the evidence”. (Hr’g Tr. 1914:1-14.) Apple ignored that directive and instead unilaterally filed a legal brief. Should the Court find bilateral briefing on the relevant legal issues useful, Epic is prepared to file a response of no more than 20 pages by March 17, 2025.
- Apple’s Response to Order regarding Discovery Sanctions, filed March 7, 2025 (Dkt. 1330): Epic does not believe the Court’s Order Regarding Evidentiary Hearing and Special Master Review, Dkt. 1171, was an Order to Show Cause warranting Apple’s response. (Dkt. 1330 at 2.) However, Epic requests the opportunity to reply to Apple’s response in order to provide the Court with full context and ensure the record reflects both Parties’ positions. Epic is prepared to do so by March 21, 2025, subject to the Court’s permission.

NEW YORK
Two Manhattan West
375 Ninth Avenue
New York, NY 10001
T+1-212-474-1000
F+1-212-474-3700

LONDON
CityPoint
One Ropemaker Street
London EC2Y 9HR
T+44-20-7453-1000
F+44-20-7860-1150

WASHINGTON, D.C.
1601 K Street NW
Washington, D.C. 20006-1682
T+1-202-869-7700
F+1-202-869-7600

CRAVATH, SWAINE & MOORE LLP

Additionally, Epic intends to file an opposition to Apple's Motion to Strike Portions of Hearing Testimony (Dkt. 1328), in accordance with Civil Local Rules 7-3 and 7-4, by no later than March 21, 2025.

Separately, the Courtroom Deputy contacted the Parties last week regarding the filing of the evidentiary hearing's exhibits. Epic provided Apple with copies of the exhibits, which contained proposed redactions based on the Parties' agreed-upon redactions during the hearing, so that Apple could review them prior to their filing on the public docket. Epic remains prepared to file these exhibits on the public docket at the Court's convenience and requests the Court's guidance on this issue.

Epic is prepared to discuss any of the above issues and filings at a status conference, should the Court prefer.

Sincerely,

/s/ Yonatan Even
Yonatan Even